

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ETHAN PETRONE and TAMMY
PETRONE, Husband and Wife,
Plaintiffs,

v.

ALAN J. LITTLE,
Defendant.

Civil Action No.: 18 - 185

Jury Trial Demanded

FILED
2018 JAN 31 PM 3:49
U.S. DISTRICT COURT
DISTRICT OF DELAWARE
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COMPLAINT

Plaintiffs Ethan Petrone and Tammy Petrone ("Plaintiffs"), by and through their attorney, Samuel D. Pratcher, III, Esq, hereby brings this Complaint against Defendant, Alan J. Little ("Defendant") and avers as follows:

JURISDICTION

1. This Honorable Court is granted jurisdiction on the basis upon diversity of citizenship pursuant to 28 U.S.C. § 1332 with an amount in controversy in excess of seventy-five thousand (\$75,000.00) dollars.

PARTIES

2. Plaintiff Ethan Petrone is an adult individual who, at all times relevant hereto, lived at 102 W. 3rd Street, Ridgely, MD 21660.

3. Plaintiff Tammy Petrone is an adult individual who, at all times relevant hereto, lived at 102 W. 3rd Street, Ridgely, MD 21660.

4. Defendant Alan J. Little is an adult individual who, at all times relevant hereto, lived at 303 Sunnydale Lane, Seaford, DE 19973.

FACTUAL BACKGROUND

5. On or about August 26, 2017, Plaintiff, Ethan Petrone was operating his motorcycle on Elks Road at or near its intersection with Thompson Parkway in Seaford, Delaware.

6. At the aforesaid time and place, Defendant was operating his vehicle and exiting a nearby housing development when he negligently struck Plaintiff's vehicle, causing Plaintiff to suffer serious bodily injury, as will be described below.

7. This accident resulted solely from the negligence and carelessness of the Defendant, and was due in no manner whatsoever to any act or failure to act on the part of Plaintiff, Ethan Petrone.

8. As a result of the negligence and carelessness of Defendant, Plaintiff was caused to be thrown violently from his vehicle, thereby sustaining severe and debilitating personal injuries including, but not limited to: injuries to his hands, legs, arms, shoulders, back, knees, broken ribs, broken teeth, two broken ankles, and injury to his penis causing erectile dysfunction, all or some of which injuries are or will prove to be of a permanent nature and character, whereby Plaintiff has suffered, is suffering and will for an indefinite time into the future suffer, all to Plaintiff's great detriment and loss.

9. As a further result of the negligence and carelessness of the Defendant, Plaintiff has incurred and in the future will incur expenses for the treatment of his injuries, has been disabled and in the future will be disabled and unable to perform his usual functions.

10. As a further result of the negligence and carelessness of the Defendant, Plaintiff has been obligated to receive and undergo medical attention and care for his injuries, to incur various expenses for said care and may be obligated to continue to expend such sums and to incur such expenses for an indefinite period of time in the future.

11. As a further result of the negligence and carelessness of the Defendant, Plaintiff may suffer a loss of income and earning capacity in the future.

12. As a further result of the negligence and carelessness of the Defendant, Plaintiff has been unable to attend to daily chores, duties and occupations and may be unable to do so for an indefinite time in the future.

13. As a direct result of the negligence and carelessness of the Defendant, Plaintiff has or may hereafter incur other financial expenses or losses to which he may otherwise be entitled to recover.

14. As a further result of the negligence and carelessness of the Defendant, Plaintiff has suffered physical pain, mental anguish, humiliation, inconveniences and loss of life's pleasures and may continue to suffer the same for an indefinite time in the future.

COUNT I

Plaintiff Ethan Petrone v. Defendant Alan J. Little

15. Plaintiff incorporates by reference the preceding paragraphs as though set forth herein.

16. The negligence and carelessness of Defendant consisted of the following:

- (a) failing to properly operate and maintain control his motor vehicle;
- (b) driving at an excessive and unsafe rate of speed under the circumstances;
- (c) failing to maintain a proper and adequate lookout prior to entering Plaintiff's path of travel;
- (d) failing to give proper and sufficient warning of the approach of said motor vehicle;
- (e) failing to follow and observe traffic patterns and conditions;
- (f) failing to regard the rights, safety and lawful position of Plaintiff at the point aforesaid;
- (g) striking the Plaintiff's vehicle;
- (h) entering the Plaintiff's lane of travel when it was not safe to do so;
- (i) driving while distracted;

- (j) failing to properly and adequately maintain said motor vehicle;
and
- (k) violations of the motor vehicle laws of the State of Delaware.

17. As a direct and proximate result of the Defendant's negligence and carelessness, Plaintiff suffered the injuries and damages as described above.

WHEREFORE, Plaintiff seeks Judgment against Defendant in an amount in excess of \$75,000.00 along with attorney's fees, interest and costs.

COUNT II
Plaintiff Tammy Petrone v. Defendant Alan J. Little
Loss of Consortium

18. Plaintiff Tammy Petrone incorporates by reference thereto Paragraphs 1 through 17, inclusive, as though same were set forth herein at length.

19. Defendant owed a duty of care to Plaintiff, Ethan Petrone while operating his vehicle at or near the intersection of Elks Road and Thompson Parkway in Seaford, Delaware; Defendant breached that duty by negligently striking Plaintiff's vehicle.

20. As a direct and proximate result of Defendant's negligent conduct, Plaintiff Tammy Petrone has and may continue to suffer the loss of the services, support and consortium of her spouse, Plaintiff Ethan Petrone.

21. Before suffering these injuries, Plaintiff's spouse was able to and did perform all the duties of a husband and did perform all these duties, including assisting in maintaining the home, and providing love, companionship, affection, society, sexual relations, moral support, and solace to plaintiff.

22. As a direct and proximate result of the injuries, Plaintiff's spouse has been unable to perform the duties of a husband, participate in family, recreational, or social activities with Plaintiff, and/or contribute to the household income.

23. Due to the nature of the injuries sustained by Plaintiff's spouse and the severe physical and psychological strains they cause Plaintiff, Plaintiff's spouse is no longer able to provide Plaintiff with love, companionship, affection, society, moral support, and solace.

24. Because of these injuries, Plaintiff's spouse will be unable to perform these duties in the future. Plaintiff is therefore deprived and will be permanently deprived of her spouse's consortium, all to Plaintiff's damage, in a total amount to be established by proof at trial.

WHEREFORE, Plaintiff Tammy Petrone demands damages of Defendant Alan J. Little, in a sum in excess of Seventy-Five Thousand (\$75,000.00) Dollars.

JURY DEMAND

Plaintiffs demand a trial by a jury of 12 members.

Respectfully Submitted,

Date:



SAMUEL D. PRATCHER, III, ESQ.

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